

### **REMARKS**

The following claims are pending in the application: 1 – 4

The following claims have been amended:

The following claims have been deleted: 1 – 4

The following claims have been added: 5 –14

As a result of the foregoing Amendment, the following claims remain pending in the application: 5 - 14.

### **Comments on Non-Compliant Amendment**

Applicant has revised the amendment filed September 11, 2003 to comport with 37 C.F.R. §1.121, as amended on June 30, 2003. Otherwise, this amendment is identical in content and form as the amendment filed September 11, 2003. Accordingly, Applicant respectfully submits the amendment is compliant with 37 C.F.R. §1.121, as amended on June 30, 2003.

### **Amendments to the Specification**

Applicant has amended the specification correcting an obvious typographical error regarding the units associated with the specific surface area.

### **Rejection Under 35 U.S.C. § 112**

The Examiner rejected claims 1-4 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicant regards as the invention. Claim 1 has been cancelled thereby

rendering the Examiner's outstanding rejection moot. Accordingly, the Applicant respectfully requests that this rejection be removed.

The Rejection Under 35 U.S.C. §102(e)

The Examiner rejected claims 1-2 and 4 under 35 U.S.C. §102(e) as being anticipated by Redondo et al. The Applicant traverses the rejection because the effective date of the present invention is January 8, 1998 and the filing date of Redondo et al. is January 21, 2000. Further, the Applicant has cancelled claims 1 through 4 without prejudice. Thus Applicant kindly requests that this rejection be removed.

Rejection Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-4 under 35 U.S.C. §102(e) as being anticipated by Keough et al. taken in view of the evidence in Ficker et al.

Applicant has cancelled claims 1 through 4 and respectfully submits that the Examiner's outstanding rejection may be properly withdrawn.

The Rejection Under 35 U.S.C. §103(a)

The Examiner has rejected claims 1 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Kanamori in view of Rolland.

Applicant has cancelled claims 1 and 4 and respectfully submit that the Examiner's outstanding rejection may be properly withdrawn.

Rejection Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Kanamori in view of Kasahara et al. The Applicant traverses this rejection. The limitations of Kanamori are discussed in the above section. The combination of Kasahara et al. to the teachings of Kanamori does not teach or suggest the present invention. Kasahara et al. teaches a propylene polymer composition that is 100 parts by weight propylene polymer or a modified polymer and 0.1 to 1.5 parts by weight of an aliphatic carboxylic acid ester. There is no reason, suggestion or motivation found in Kasahara et al. to add a hydroxide compound. The addition of magnesium hydroxide to the composition found in Kasahara et al. would not lead to the composition of the present invention.

Applicants have cancelled claims 1 through 4 and therefore respectfully submit that the Examiner's outstanding rejection may be properly withdrawn.

Rejection Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over Redondo et al. in view of Kasahara et al. Due to the fact that Redondo et al. is not valid prior art (see statements above) and given the shortcomings of Kasahara et al. the Applicant requests that this rejection be properly withdrawn.

Applicant has cancelled claims 1 through 4 and respectfully submits that the Examiner's outstanding rejection may be properly withdrawn.

Newly added claims

Applicant has added new claims 5 – 14 to more accurately claim the subject matter of the present invention.

**CONCLUSION**

In view of the foregoing amendment and accompanying remarks, the Applicants respectfully submit that the present application is properly in condition for allowance and may be passed to issuance upon payment of the appropriate fees.

Telephone inquiry to the undersigned in order to clarify or otherwise expedite prosecution of the subject application is respectfully encouraged.

Respectfully submitted,

JERRY WAGNER

Date: \_\_\_\_\_

10/30/03

By: \_\_\_\_\_



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